

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

HARSIL DIKULKUMAR AMIN, #204223953,

Petitioner,

v.

ACTION NO. 2:19cv396

JEFFREY CRAWFORD,
Director Farmville Detention Center, and

LYLE BOELEN,
Deputy Field Office Director,
Immigration and Customs Enforcement,

Respondents.

FINAL ORDER

Petitioner Harsil Dikulkumar Amin (“Amin”), a deportable alien in the custody of United States Immigration and Customs Enforcement (“ICE”) at the Farmville Detention Center in Farmville, Virginia, filed a *pro se* petition, pursuant to 28 U.S.C. § 2241. ECF No. 1. Amin challenged his continued detention pending his removal to his country of citizenship. *Id.* at 5–12. Amin was removed from the United States to his country of citizenship, India, via a commercial flight on July 31, 2019. ECF No. 9-1 at ¶¶ 9–10.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed March 12, 2020, recommends that respondent’s motion to dismiss (ECF No. 8) be granted and Amin’s petition (ECF No. 1) be dismissed without prejudice for lack of jurisdiction. ECF No. 10. Each

party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. No objections have been filed, and the time for filing objections has expired.

The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 8, is **GRANTED**, and the petition for a writ of habeas corpus, ECF No. 1, is **DENIED** and **DISMISSED** without prejudice for lack of jurisdiction.

Amin has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 327, 335-36 (2003).

Amin is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Amin intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Amin may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall forward a copy of this final order to Amin and counsel of record for respondent.



United States District Judge

Norfolk, Virginia
May 5, 2020